

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 MATTHEW HOUSTON,

4 Plaintiff

Case No. 2:19-cv-01472-APG-DJA

ORDER

5 v.

6 STATE OF NEVADA,

7 Defendant
8

9 **I. DISCUSSION**

10 Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections
11 (“NDOC”), has filed an application to proceed *in forma pauperis* and has submitted a
12 motion for preliminary injunction/TRO. (ECF Nos. 1, 1-1). Plaintiff has not filed a
13 complaint in this matter.

14 Pursuant to Federal Rule of Civil Procedure 3, “[a] civil action is commenced by
15 filing a complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff
16 thirty (30) days from the date of this order to submit a complaint to this Court.

17 Additionally, Plaintiff’s application to proceed *in forma pauperis* is incomplete.
18 Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an
19 application to proceed *in forma pauperis* and attach both an inmate account statement
20 for the past six months and a properly executed financial certificate. Plaintiff has not
21 submitted a properly executed financial certificate or an inmate account statement. (See
22 ECF No. 1). As such, the *in forma pauperis* application is denied without prejudice.
23 Plaintiff will be granted an opportunity to cure the deficiencies of his application to proceed
24 *in forma pauperis*, or in the alternative, pay the full filing fee for this action.

25 **II. CONCLUSION**

26 For the foregoing reasons, IT IS ORDERED that Plaintiff will submit a complaint to
27 this Court within thirty (30) days from the date of this order.

28 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the

1 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The
2 Clerk of the Court will also send Plaintiff a copy of his motion for preliminary
3 injunction/TRO (ECF No. 1-1).

4 IT IS FURTHER ORDERED that Plaintiff's application to proceed *in forma pauperis*
5 (ECF No. 1) is DENIED without prejudice to file a new application.

6 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
7 approved form application to proceed *in forma pauperis* by a prisoner, as well as the
8 document entitled information and instructions for filing an *in forma pauperis* application.

9 IT IS FURTHER ORDERED that within thirty (30) days from the date of this order,
10 Plaintiff will either: (1) file a fully complete application to proceed *in forma pauperis*, on
11 the correct form with complete financial attachments in compliance with 28 U.S.C. §
12 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing
13 fee and the \$50 administrative fee).

14 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
15 dismissal of this action may result.

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17 DATED THIS 26th day of August 2019.

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21 DANIEL J. ALBREGTS
22 UNITED STATES MAGISTRATE JUDGE
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